

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

EMANUELA MCKINEY,

Plaintiff,

v.

C.A. No. 1:23-cv-12115

STEWART ST. ELIZABETH'S MEDICAL
CENTER OF BOSTON, INC. dba ST.
ELIZABETH'S MEDICAL CENTER,
RALPH DE LA TORRE, M.D. (individually),
and CHRISTOPHER DUNLEAVEY
(individually),
Defendants.

**PLAINTIFF'S MOTION FOR ATTORNEY'S FEES AND COSTS PURSUANT TO 28
U.S.C. § 1447(c)**

Pursuant to 28 U.S.C. §1447(c), and in accordance with L.R. 7.1, Plaintiff, Emanuela McKinney ("Plaintiff" or "Ms. McKinney") respectfully asks this Court to award her reasonable attorney's fees for the time her attorney has spent in fighting to removal of this matter from state court into this federal court, and for prevailing in such effort.

As Grounds THEREFOR, Plaintiff states:

- 1- Defendant's removal of the action from state court to this court was not supported by binding precedent, as there were no pertinent factual disputes.
- 2- Defendant knew, or should have known, there were no factual disputes.
- 3- Defendants resisted removal based upon unsound legal basis.
- 4- Plaintiff has suffered delay and detriment, by way of attorney time expanded.

Ms. McKinney further relies upon her Memorandum of Law in Support of her Motion for Attorney's Fees to support this request.

Respectfully Submitted,
Emanuela McKiney,
By Her Attorney,

/s/ Ilir Kavaja
Ilir Kavaja, BBO No. 682574
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LOCAL RULE 7.1 CERTIFICATE

I, Ilir Kavaja, hereby certify that pursuant to Local Rule 7.1(a)(2) that Plaintiff's counsel conferred with counsel for Defendant on Thursday, February 8, 2024, before filing the foregoing motion in an attempt in good faith to resolve or narrow the issue raised in this motion.

/s/ Ilir Kavaja

Ilir Kavaja

CERTIFICATE OF SERVICE

I, Ilir Kavaja, hereby certify that today I caused to be served the within on counsel for the defendants via ECF service.

/s/ Ilir Kavaja

Ilir Kavaja